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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,468	09/28/2001	Toshiaki Shimizu	60,518-004	6484

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EXAMINER

CAPRON, AARON J

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/966,468

Applicant(s)

SHIMIZU, TOSHIAKI

Examiner

Aaron J. Capron

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

MARK SAGER  
PRIMARY EXAMINER

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, 12 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett (U.S. Patent No. 6,251,013).

Bennett discloses a gaming machine comprising a display having a grid of cells, game elements, a controller for initiating a normal random display, a display processor for randomly displaying the normal random display such that one game element is displayed in each of the cells, the machine characterized by the controller adapted to initiate a bonus random display of the game elements in response to a triggering combination of the game elements in the normal random display and to designate at least one of the cells in the bonus random display as a wild cell independent of the game elements in the cell (abstract).

Referring to claim 8, Bennett discloses the display processor includes a plurality of reels and columns defining the grid such that the intersection of one of the plurality of reels and one of the plurality of rows define the cell (Figures 1-3).

Claims 12 and 19-20 correspond in scope to a method and readable medium set forth for use of the gaming machine listed in claims above and are encompassed by use as set forth in the rejection above.

Claims 2, 9-10, 13 and 21 are rejected under 35 U.S.C. 102(e) as anticipated by Bennett or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bennett in view of Jaffe (U.S. Patent No. 6,517,432).

Referring to claim 2, Bennett discloses that a sprite can select one or more of the symbols displayed on the display to be treated as special symbols for the particular game and a prize is awarded for any winning combinations formed with the one or more special symbols, wherein the special symbols include a wild card symbol (abstract).

Alternatively, Jaffe includes a plurality of wild cells wherein the wild symbols are moved randomly (6:21-34) around until the number of bonus rounds reaches a predetermined count (6:4-12). One would be motivated to combine multiple symbols into Bennett in order to give players a better chance of winning in a bonus game, which would create more interest in the game. The extra interest in the game would create more revenues for the casinos. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate multiple wild cards in order to generate more revenue for the casinos.

Claims 9-10, 13 and 21 correspond in scope to a method and readable medium set forth for use of the gaming machine listed in claims above and are encompassed by use as set forth in the rejection above.

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Claims 1-2, 9-10, 12-13 and 20-21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Jaffe.

Jaffe discloses a gaming machine with moving symbols on symbol array wherein the plurality of moving symbols are wild symbols and randomly move around until the number of bonus rounds reaches a predetermined count (6:4-12).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7, 14-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of Jaffe.

Referring to claim 3, Bennett in view of Jaffe disclose that a controller positions a wild<sup>card</sup> over the wild cell that the wild<sup>card</sup> conceals the game element within the wild cell (Figures 3-5- a wild symbol 62 moves to a different square a). Having a wild card as the wild symbols, lacking criticality, is considered well within the capabilities of one of ordinary skill in the art to use any wild symbol in order to satisfy the gaming theme. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate apples into Jaffe's gaming machine in order to accommodate the theme of the game.

Referring to claim 4, Bennett in view of Jaffe disclose that the controller is adapted to repeat the bonus random display a predetermined number of rounds (6:4-12).

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Referring to claim 5, Bennett in view of Jaffe disclose the controller is adapted to display a winning combination of the game elements having at least one wild cell forming the winning combination and awarding a predetermined value for the winning combination (Jaffe-table under column 4).

Referring to claims 6-7, Bennett discloses a coin-input mechanism and a coin chute (6:12-19).

Claims 14-16 and 22 correspond in scope to a method and readable medium set forth for use of the gaming machine listed in claims above and are encompassed by use as set forth in the rejection above.

Referring to claims 17-18, Bennett discloses using a credit meter in the gaming machine (abstract).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffe.

Jaffe discloses that the wild symbols are implemented with the game Wild Streak in mind and discloses that alternative gaming themes can be used (2:53-62). Having apples as the wild symbols, lacking criticality, is considered well within the capabilities of one of ordinary skill in the art to use any wild symbol in order to satisfy the gaming theme. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate apples into Jaffe's gaming machine in order to accommodate the theme of the game.


### *Conclusion*

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



MARK SAGER  
PRIMARY EXAMINER

ajc  
March 27, 2003